

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. In May 2009 the petitioner was enrolled in CHAP, subject to the payment of a monthly premium of \$135 (based on his income). The petitioner paid his premiums by personal check.

2. On May 1, 2009 the Department mailed the petitioner a bill for his May 2009 premium, which was due on May 15, 2009. When payment was not received the Department mailed the petitioner a notice on May 20, 2009 stating that his coverage would end May 31, 2009 if his premium was not paid by that date.

3. When HEAU had not received the petitioner's premium by May 31, 2009 it terminated the petitioner's CHAP coverage effective that date.

4. The petitioner admits that he simply neglected to pay his premium in a timely manner. Unfortunately, as fate would have it, the petitioner required emergency medical treatment on June 2 and follow-up care on June 3, 2009. He mailed his premium check to the Department on June 2, which was received by the Department on June 3.

5. The Department has declined to cover the petitioner's medical expenses incurred on June 2 and 3, 2009.

ORDER

The Department's decisions terminating the petitioner's CHAP coverage effective May 31, 2009 and not granting the petitioner retroactive coverage for June 2 and 3, 2009 is affirmed.

REASONS

Based on legislative directives to enact cost-savings measures designed to sustain the public health care assistance programs, the Department has adopted strict regulations establishing monthly "premiums" to be paid prospectively by CHAP recipients. The CHAP regulations require that coverage shall be terminated if an individual does not pay the required program fee by the billing deadline. See W.A.M. §§ 4103.2(a)(3)(iii)&(b). In this case there is no dispute that the petitioner did not pay his program fee by the May 31, 2009 deadline and that he was duly and timely notified by the Department of the closure of his benefits as of that date.

There is also no dispute that the Department will reinstate the petitioner's coverage once he re-enrolls in the program. Unfortunately, there are no provisions in the regulations for retroactive reinstatement of coverage upon receipt of a late premium payment. Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule 1000.4D.

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